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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,434	02/22/2002	Dennis J. Bair	3853-011292	9991

7590 09/27/2004

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EXAMINER



DAVIS, CASSANDRA HOPE

ART UNIT PAPER NUMBER

3611

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

 <b>Office Action Summary</b>	<b>Application No.</b> 10/081,434	<b>Applicant(s)</b> BAIR, DENNIS J. 	
	<b>Examiner</b> Cassandra Davis	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) 1-7 and 9-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claims 1-7, 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, lines 5-6, the phrases "the individual's signature" and "the individual's photograph" lacks antecedent basis.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by \$100,000 Reward: Missing Downtown Eastside Women Poster, <http://web.archive.org/web/20000917034500/http://www.city.vancouver.bc.ca/polic>e/. The poster teaches front surface, indicia relating to a missing person printed on the front surface, and first and second signature in the lower left corner of the poster.
3. With respect to claim 1, the applicant is not positively claiming the individual's signature and photograph.
4. With respect to claim 2, 6, the top portion of the poster and left column includes information concerning the \$100,000 reward.

With respect to claim 3, 7, and 11, the poster includes sponsor information such as "British Columbia Attorney General" and Greater Vancouver Crime Stoppers".

With the respect to claim 4 and 5 the poster teaches information related to the missing person comprising a photograph, date born, name, and last date seen.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over \$100,000 Reward: Missing Downtown Eastside Women Poster,

<http://web.archive.org/web/20000917034500/http://www.city.vancouver.bc.ca/polic>

el. The reward poster does not teach the step of providing an autograph portion containing a signature and photograph an individual different than the missing person. Since the secondary signature and photograph of an individual different than the missing person does not have an unobvious functional relationship with the card, the examiner contends that it would have been obvious to one having ordinary skill in the art the place any suitable indicia including photographs on the poster as a matter of design.

3. Claims 1-7, 9, and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Gruchy, U. S. Patent 2,395,804.

4. De Gruchy teaches a record bearing document comprising a card body 10 having a first side adapted to receive writing in the form of signatures (figure 1) and a

second side. The first or front of the card has indicia relating to a person comprising a first photograph 11, a second photograph (not labeled), a first area for the placement the a signature of an individual (*John Doe*), and an area for the placement of the an address and thumb print of the individual. The card also includes an area for a second signature or autograph of a person giving the company's authorization (*A. S. Boyd*). The signature or autograph of the first person (*John Doe*) is different front the signature or autograph of the second person (*A. S. Boyd*).

With respect to claim 2, 3, 6, 7, 11-13, and 16, since the area for information or indicia relating to a reward and/or sponsor and the autograph and photograph of an individual does not have an unobvious functional relation with the card, the examiner considers the area for information or indicia relating to the a reward and/or sponsor to be a design consideration which has not been given patentable weight. (See *In re Gulack*, 217 USPQ 401). Nevertheless, De Gruchy teaches the name of the company issuing or sponsoring the card.

With respect to claim 4 and 14, the card taught by De Gruchy has a photo or picture of John Doe. (See figure 1 and 4).

With respect to claims 5 and 15, De Gruchy teaches that the backside of the card can be used for any desired information such as height, weight, age, and detailed description of the individual. (See page 2, lines 3-6).

With respect to claim 9, De Gruchy describes the record-bearing document as card assembly. (See page 1, line 49).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over De Gruchy in view of Johnson, U. S. Patent 5,983,537. Johnson magnetically supportable card device having a front surface (figure 4) and a rear surface (figure 5) with indicia thereon and a magnet 24 there between. The magnet allows the card to be removably attached to a refrigerator or other metal wallboards. (See column 4, line 37-54) It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the card taught by De Gruchy with a magnet mounted there between as taught by Johnson to provide a means hold the upon a support surface when not in use.

#### ***Response to Arguments***

5. Applicant's arguments filed May 13, 2004 have been fully considered but they are not persuasive.

With respect to the rejection of claim 1 and 12, the applicant argues that \$100,000, Reward: Missing Downtown Eastside Women Poster does not teach the autograph area containing an individual's photograph and signature which is different from the missing person. In claim 1, the applicant has not positively claimed the individual's photograph and signature. Specifically the applicant merely recites an area for the individual's signature and the individual's photograph. Nevertheless, the examiner's maintains that the specific indicia printed on the card/poster are a design consideration which does not have an unobvious functional relationship with the card. Cards and/or posters have a variety of information printed thereon is old and well known in the art.

The rejection is maintained.

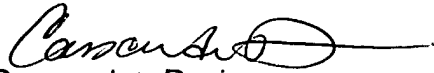
**Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 1980-81 Topps – Bird, Erving, Johnson trading card;  
<http://www.scottsdalecards.com/bq142.jpg> 9/19/04.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
September 19, 2004